

Notice of Allowability

Application No.

09/748,479

Examiner

Andrew C. Lee

Applicant(s)

KUMAZAKI ET AL.

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/08/2005.
2. ☒ The allowed claim(s) is/are 11-19; 26, 5, 6; 27, 8; 28, 10; 29; 30; 11-19 renumbered 1-9; 26, 5, 6, renumbered 10, 11, 12; 27, 8 renumbered 13, 14; 28, 10 renumbered 15, 16; 29, 30 renumbered 17, 18, respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 11 – 19, 26, 5, 6; 27, 8; 28, 10; 29; 30 are allowed over the prior art.

The following is an examiner's statement of reasons for allowance.

The prior art of the record fails to disclose explicitly the limitation of a calculation unit operable to recalculate each maximum number, each time at least one program information set is updated or is newly registered, wherein the calculation unit includes: a first calculation unit operable to divide a data amount of each program information set by a number of transmission periods within the cycle and set a division result obtained for each program information set as an average number for the program information set without rounding up or discarding a fractional portion of the division result, each average number for one program information set being a number of packets of the program information set that should be transmitted per unit time; a second calculation unit operable to calculate, for each program information set, a cumulative number of packets of the program information set that should be transmitted by an end of an "n" th transmission period by multiplying the average number for the program information set by "n"; a third calculation unit operable to total the cumulative numbers calculated by the second calculation unit; and a fourth calculation unit operable to calculate the maximum number for the "n"th transmission period from the total calculated by the third calculation unit, wherein the information in the storing unit is overwritten with the maximum number calculated by the fourth calculation unit. And a cumulative calculation unit operable to, after the packet fetching unit fetches the last packet of a current section in an "n"th transmission period, calculate a cumulative number for a program information set including the current section by multiplying the maximum

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number for the program information set by “n”, each transmission period being a period within the cycle and having a length of the unit time, the cumulative number being a number of packets of the program information set that should be transmitted by an end of the “n”th transmission period ; an input receiving unit operable to receive an input of immediate program information that should be urgently transmitted; a prohibiting unit operable to prohibit, if immediate program information is inputted, the packet fetching unit from fetching packets; a second packet generating unit operable to generate a plurality of packets of a fixed length from the inputted immediate program information; a transmission control unit operable to control the transmission unit to sequentially transmit all of the packets generated by the second packet generating unit; and a prohibition ending unit operable to instruct, after all of the packets generated by the second packet generating unit are transmitted, the prohibiting unit to end the prohibition operation to effect the evaluating in combination of other limitations recited in claims 11, 26, 27, 28, 29 and 30, respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should be clearly labeled “Comments on Statement of Reasons for Allowances.”

EXAMINER’S AMENDMENT

2. An examiner’s amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

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Authorization for this examiner's amendment was given in a telephone interview with Mr. Joseph W. Price on March 06, 2006 for modification of Amendments to the claim (dated 12/08/2005).

- Regarding claim 29, line 4, page 19, the incomplete sentence "should be transmitted by an", the phrase "end of the "n"th transmission period" has been added to and after the term "by an". The modification of the last sentence is "the cumulative number being a number of packets of the program information set that should be transmitted by an end of the "n"th transmission period."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ACL

Mar 05, 2006

A handwritten signature in black ink, appearing to read 'Ricky Q. Ngo', with a stylized flourish extending from the end.

RICKY Q. NGO
SUPERVISORY PATENT EXAMINER